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BG

SUBJECT: EMBASSY DHAKA RESPONSE TO 2009 TIP INTERIM ASSESSMENT

REF: A) 09 SECSTATE 114330, B) 09 DHAKA 177

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SUMMARY

¶1. This cable serves as a response to an interim assessment of progress made by the Government of Bangladesh (GOB) from March to November 2009 to combat trafficking. Paragraph four begins text. Embassy point of contact is David Arulanantham, Political Officer, telephone: 880-2-885-5500 x2148, IVG post-code: 583, fax number: 880-2-882-3744, e-mail: arulananthamdp@state.gov.

¶2. From January 2007-January 2009 a military backed caretaker government, composed of a Chief Adviser and a Council of Advisers governed Bangladesh under a state of emergency. In the absence of an elected legislature to pass laws, the President was empowered to promulgate ordinances, many of which later lapsed unless passed by the new parliament within 30 days of the first session. After successful national elections on December 29, 2008, the country swore in a new Prime Minister on January 6, 2009 and Parliament re-convened on January 25, 2009. As the first elected government in over two years, following a period of rule by the caretaker regime, the new government has faced a gargantuan task in its first few months. This change in administration and the return to democratic rule has slowed down everything, including the bureaucracy, as the new government focuses its priorities.

¶3. Please note that different Government Ministries keep their own sets of data on the trafficking issue and there is sometimes a discrepancy between the two.

QUESTIONS AND ANSWERS TO REPORTING QUESTIONS

¶4. Please summarize the progress or lack thereof, the Government of

Bangladesh has made in the following areas.

-- A. Integrating anti-labor trafficking objectives into national anti-trafficking policies and programs:

The GOB has made modest progress in integrating anti-labor trafficking objectives into national anti-trafficking policies and programs and recognizes the relevance of labor migration. Embassy Dhaka's contacts in the Home and Ministry of Expatriates Welfare and Overseas Employment (MEWOE) are gradually expanding attitudes on trafficking to include labor migration of men as well as trafficking in women and children. There continues to be no statistical data to quantify labor migration abuses or evaluate the magnitude of labor migration problems vis-à-vis sex trafficking and other forms of forced labor. At present there are four laws governing overseas labor migration: the Immigration Ordinance (1982), Immigration Rules (2002), the Overseas Employment Policy (2006) and the Recruiting Agent License and Conduct Rules (2002). A new committee headed by the Joint Secretary for MEWOE has begun examining these laws with a view towards modifying or drafting new legislation in order to meet the challenges posed by labor trafficking. Separately, the Government of Bangladesh (GOB) has entered into discussions with the leading association of recruiting agencies (BAIRA) to reiterate its concern about the actions of some of its members. BAIRA, in turn, has begun drafting a code of conduct for its members.

Bangladesh has typically defined trafficking as forced child labor and sex trafficking of women and children, a definition which has deep historical and cultural roots. Nevertheless, the GOB is slowly expanding its understanding of the problem of labor trafficking. There are discussions within the Home Ministry to define the problem of trafficking more broadly and to include it in the national plan

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of action to combat trafficking.

-- B. Significantly increasing criminal prosecutions and punishments for all forms of labor trafficking including those involving fraudulent labor recruitment and forced child labor:

There is as yet no law specifically criminalizing labor trafficking and forced child labor. In the absence of such legislation, the government has prosecuted those accused of trafficking women and children under the Repression of Women and Children Prevention Act of 2000 (Amended in 2003) and imposed administrative penalties on fraudulent labor recruiters. They have also prosecuted labor traffickers through other sections of the penal code. Because of this, there are no reliable statistics about the extent of the problem or the government's efforts to combat it. According to the Home Ministry, in the past year 11 cases of labor trafficking were filed, with one conviction. The accused in this case was sentenced to life in prison. The labor wings of the Bangladesh Embassy in Jordan and Saudi Arabia have also filed cases with the labor and sharia (Islamic religious) courts in these countries. NGOs complain that the GOB has made strides in prosecuting traffickers of women and children but that they have been slower to act against traffickers of male migrant laborers.

MEWOE also reported receiving 855 complaints against recruiters in 2009 through its formal complaints mechanism. Of this total, 325 were settled through negotiation with the MEWOE, 175 were sent to the MEWOE for a decision and 355 remain under investigation. Over 34 million taka (\$508,000) in fines was collected from these recruiters, and five licenses were cancelled. In addition, criminal cases have been filed against six agencies.

-- C. Continuing to investigate and prosecute government officials who may be suspected of complicity in trafficking:

The GOB continues to investigate and prosecute government officials who may be suspected of complicity in trafficking. According to the Home Ministry, in the past year there authorities have lodged five cases against government officials; all are currently in process. Three more cases are under trial. One case resulted in an acquittal and another is in the pre-trial phase.

-- D. Greatly improving oversight of Bangladesh's 700 international recruiting agencies to ensure they are not promoting practices that contribute to labor trafficking:

The GOB has taken some measures to more effectively oversee the 815 recruiting agencies that are in the country to ensure they are not promoting practices that contribute to labor trafficking. NGOs remain dissatisfied with the GOB's efforts and argue that the GOB needs to update the Immigration Ordinance in order to make progress in this area. MEWOE has entered into discussions with BAIRA to find ways in which the cost of migration can be reduced. The Home Ministry also reported there are 44 cases pending against recruiting agencies, 31 of which are now under trial.

-- E. Providing protection services for adult male trafficking victims and victims of forced labor:

The GOB has yet to take significant action to provide protection services for male victims of trafficking. According to the Home Ministry, the government is considering the idea of opening up shelter homes for men.

-- F. Any other significant developments:

The GOB has adopted a fairly comprehensive labor migration policy called the Bangladesh Overseas Employment Policy (BOEP). NGOs

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recognize that this is an important first step, but argue this policy needs to be reviewed, updated and implemented.

DEAN